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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,598	10/30/2003	Stephen James Crane	B-5278 621406-3	3600

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

WINTER, JOHN M

ART UNIT	PAPER NUMBER
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3621

MAIL DATE	DELIVERY MODE
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/699,598	Applicant(s) CRANE ET AL.	
	Examiner JOHN M. WINTER	Art Unit 3621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

The applicant's arguments entered on November 7, 2007 have been fully considered.

Claims 1-30 are pending.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 cites the features "arbitrary encryption key string..." This limitation is vague and indefinite. Claim 19 cites similar limitations and is rejected for at least the same reasons.

Claims 2-18 and 20-30 are dependant upon claims 1 and 19 respectively and are rejected for at least the same reasons.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Novak (US PG Pub 2003/0097655) in view of Newby et al. (US Patent 6,108,422).

As per claim 1,

Novak ('655) discloses a method of regulating access to at least one service provided by at least one service provider,

wherein a service authorizer generates for each of multiple service time periods a different respective data set comprising private data and related public data; (Figure 4) and after determining that a party is entitled to receive a said service for a particular one of said time period, provides that party with a decryption key for accessing the service during said particular one of said time periods. (Paragraphs 25-27)

Novak. does not specifically disclose the decryption key being generated by the authorizer in dependence on both an arbitrary encryption key string associated with the service, and the private data of the data set for said particular one of said time periods;

Newby et al. discloses the decryption key being generated by the authorizer in dependence on both an arbitrary encryption key string associated with the service, and the private data of the data set for said particular one of said time periods;

.(Figure 4, Column 3, lines 28-59), it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Novak reference in view of Newby et al. in order to only allows authorized users to retrieve data from media; furthermore the combination of these elements does not alter their respective functions, and the combination would have yielded predictable results to one of ordinary skill in the art at the time of the invention..

As per claim 2

Novak ('655) discloses a method according to claim 1,
wherein a said service provider provides said party with encrypted data which the party is required to decrypt to receive the service for a current said time period, the encrypted data being data encrypted based on said encryption key string and the public data of the data set for said current time period, and the party only being able to decrypt the encrypted data using said decryption key provided by the authorizer where the said particular one of said time period is said current time period. (Paragraph 27)

As per claim 3

Novak ('655) discloses a method according to claim 2,
wherein the data that is encrypted by the service provider is arbitrary data, said party being required to decrypt and return this data as evidence of its entitlement to receive the service for the current time period before the service provider provides said service to the party.
(Paragraphs 89-92 –fingerprint data is arbitrary)

As per claim 4

Novak ('655) discloses a method according to claim 2,
wherein the data that is encrypted by the service provider is a data component of the service. (paragraphs 89-92)

As per claim 5

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Novak ('655) discloses a method according to claim 4,
wherein the data component comprises at least one of software and digital media content.
(paragraphs 89-92)

As per claim 6

Novak ('655) discloses a method according to claim 1,
wherein the encryption key string is formed using at least an identifier of said service.
(paragraphs 89-92)

As per claim 7

Novak ('655) discloses a method according to claim 6,
wherein the service identifier is generated by said party and provided by it both to the
authorizer to obtain the decryption key for enabling the party to receive the service during said
particular one of said time period and to the service provider concerned. (paragraphs 89-92)

As per claim 8

Novak ('655) discloses a method according to claim 7,
wherein the service provider maps the service identifier to the most suitable one of
multiple services it can provide in order to determine the service required by said party.

As per claim 9

Novak ('655) discloses a method according to claim 6,

wherein the service identifier is generated by one of the authorizer and the service provider concerned and made available both to the other of the service provider and authorizer, and to said party.(Figure 4)

Claims 10-30 are not patentably distinct from claims 1-9 and are rejected for at least the same reasons.

Response to Arguments

Applicant's arguments with respect to claim 1-30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John M. Winter whose telephone number is (571) 272-6713. The examiner can normally be reached on M-F 8:30-6, 1st Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Fischer can be reached on (571) 272-6779. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

John Winter
Patent Examiner -- 3621

/ANDREW J. FISCHER/
Supervisory Patent Examiner, Art Unit 3621